PLANNING

2026

(England only)

THE SOCIETY OF LICENSED CONVEYANCERS

KATANA PLANNING

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England only





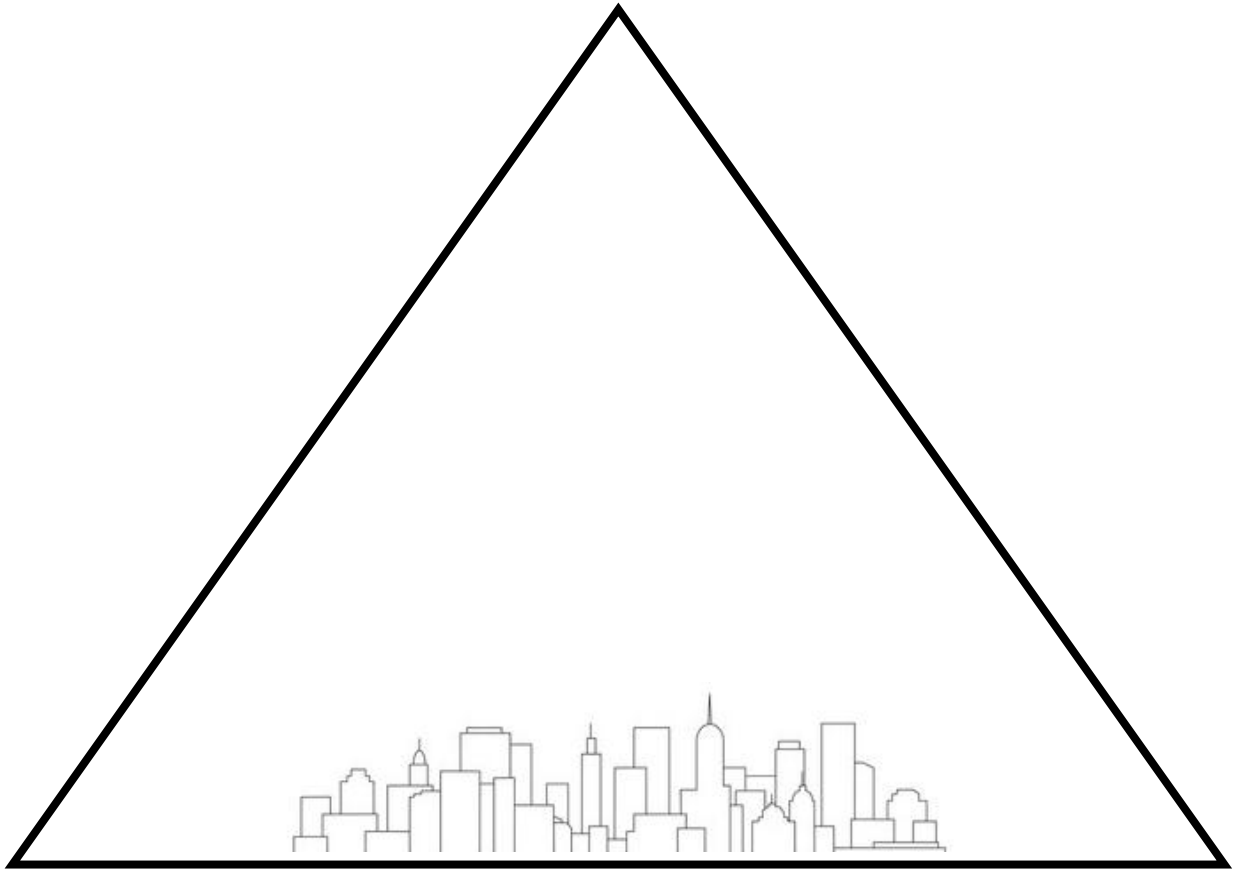
KATANA PLANNING

Central Government vs Local Council – Local Plans & other documents



Planning Process

Planning Policies (National & Local)



Elected Councillors

Local Residents

Full Planning Applications

- **Get advice before you buy!**
- Architect and planning consultant
- Compliance with policies
- Reasonable development?
- Other expert reports
- Payments/contributions – S106 Agreement
- Affordable Housing on site
- Wildlife and Nature contributions - e.g. Thames Basin Heath
- Council fees
- Do not underestimate cost of submitting an application & time it will take
- Build in time & cost of appeal

Other Expert Reports

- **Transport & Highways**
- **Contaminated Land**
- **Flood Risk**
- **Noise**
- **Adequate Levels of Natural Daylight**
- **Heritage Statement**
- **Arboricultural**
- **Biodiversity (BNG)**

What is ‘Permitted Development’?

Three types of nationally conferred PD rights

- **Permitted Development – ‘True’**
  No application required – fully permitted
  Includes certain household extensions & alterations and some changes of use
  Evidence for lenders or purchaser’s solicitors?



- **Permitted Development – Neighbour Notification**
  Larger household extensions 6-8 metres
  Application required – Council has 42 days
  If neighbour objects – full planning



- **Permitted Development – Prior Approval Application**
  E.g. office to residential
  Application for Prior Approval
  Council has 56 days to decide (for old proposals)
  Fees have increased



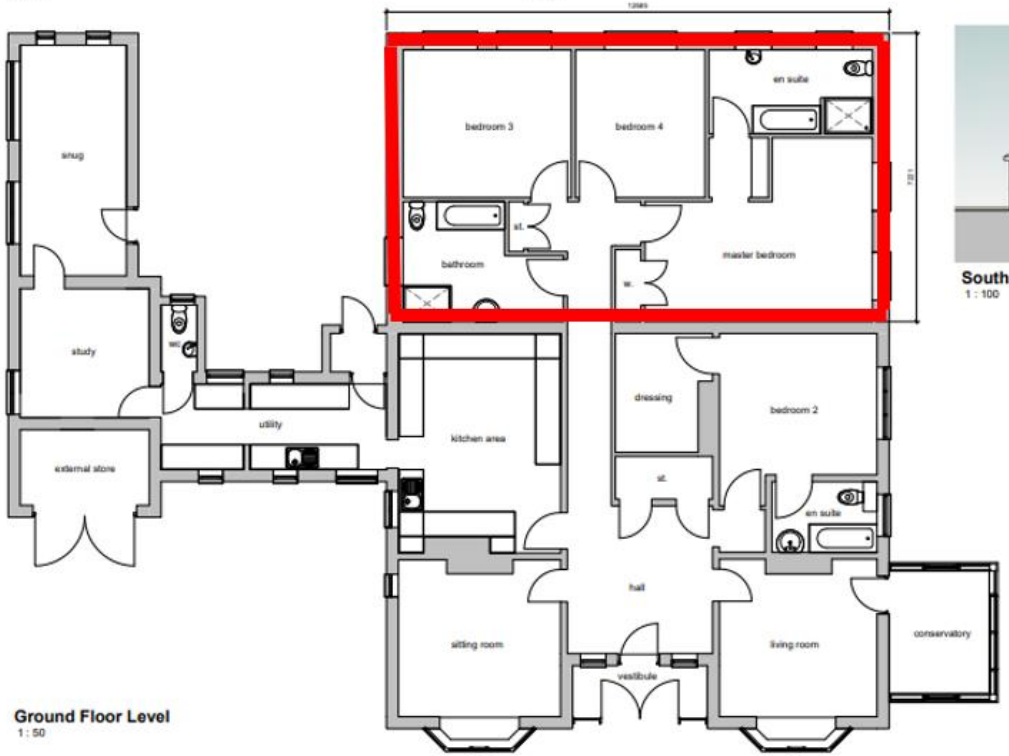
‘Neighbour Notification’



North East Facing
1 : 100



North West Facing
1 : 100



Ground Floor Level
1 : 50



South East Facing
1 : 100



Up to 6m & 8m single storey extensions at the rear of a property.
Needs prior approval
Neighbours notified by Council – 42 days
If objection received may refuse or withdraw
New application required

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Class L – Dwellinghouse to HMO



Permitted development to change the use of a single dwelling house to a small HMO – 3-6 unrelated people sharing facilities

Not if Council have removed pd rights with Article 4 Direction -

then planning application for change of use required

<u>Number of residents not number of rooms</u> –

Not in Wales!

Article 4 Directions

Where Council has A4D to remove pd rights – good reason – to restrict HMO numbers



An application must be submitted

Other restrictive planning policies

There may be a Council fee

Can be A4Ds covering several areas

HMO for 7 tenants or more needs planning permission automatically

Don’t confuse PLANNING with LICENSING

Serviced Apartments
www.servicedapartments.co.uk

airbnb



- Planning Use Class – Class C3 – residential? – Use Class C1 – Hotel? Or Sui Generis? **New Class**
- Simply to get around HMO planning restrictions?
- Planning permission (maybe) & new register
- Leasehold flats may have legal caveats
- Mortgages – will lender accept this type of let – a holiday let mortgage - stricter criteria.
- Insurance may not cover serviced accommodation liabilities
- Neighbours may object - disturbance - Enforcement

Use Classes Order Changes – 1 Sep 20

Three new Use Classes:

Use Class E – Commercial, Business & Service - combines the following old use classes into a new single use class –

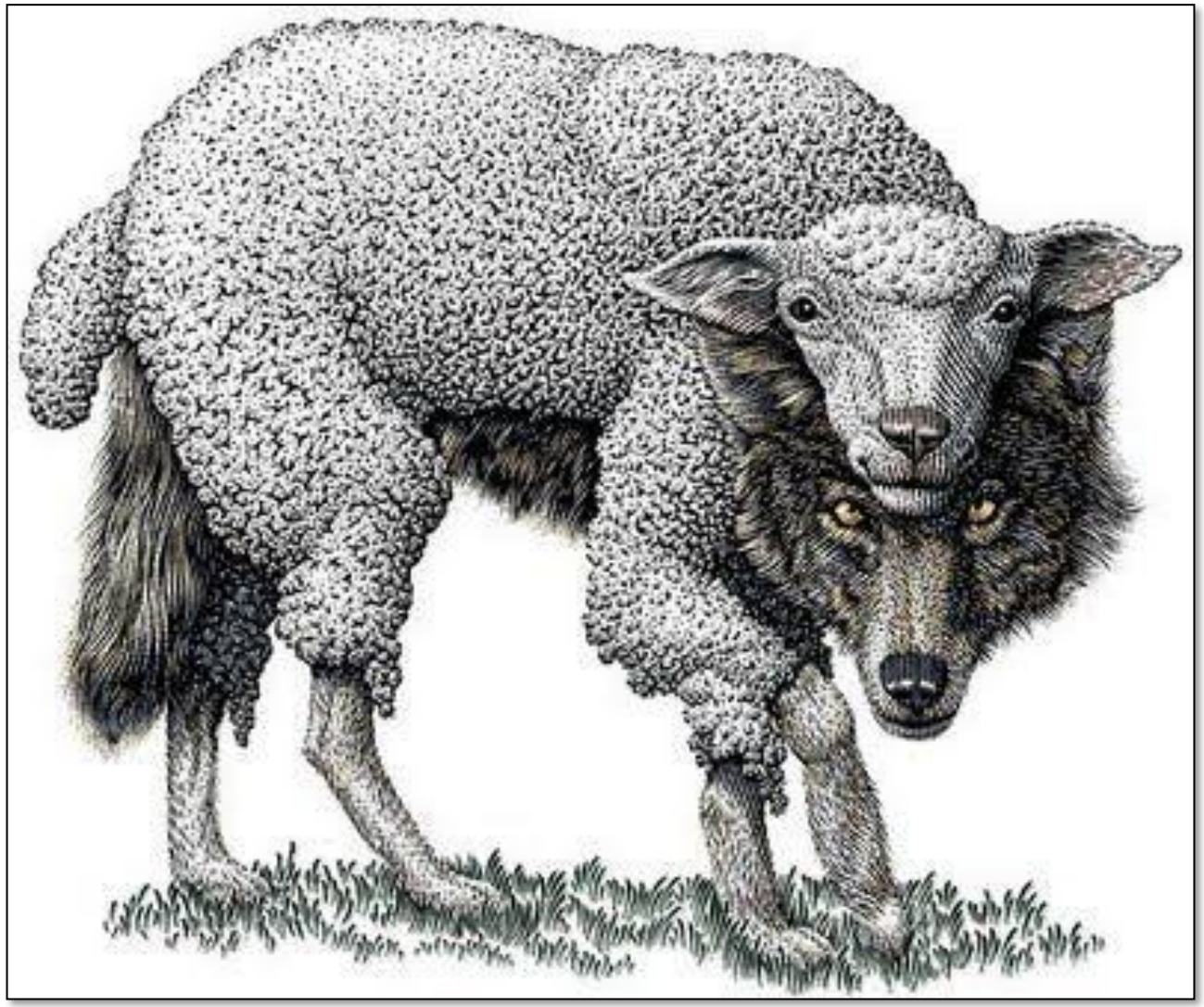
- Class A1 (shops),
- Class A2 (financial & professional services),
- Class A3 (cafes & restaurants),
- Class B1(a)(b) & (c) (office/business uses)
- Class D1 (partial) (clinics, medical health facilities & creche/day nurseries),
- Class D2 (partial) (gyms, indoor sports & fitness),

Class F.1 - Learning & Non-residential Institutions

Class F.2 - Local Community

Sui Generis – so-called 'bad neighbour' uses such as the former **Class A4 – pubs & drinking establishments and Class A5 – hot food takeaways** together with cinemas, bingo halls, concert halls (live music venues) have all been placed in the new sui generis category where there is no permitted change of use – planning permission is required.

Permitted Development Rights ‘Prior Approval’



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Upward Extensions/Air Rights 1 Aug 2020

A new **Part 20** in Schedule 2 GPDO – Construction of New Dwellinghouses ***Class A – New dwellinghouses on detached blocks of flats***:









Demolition & Rebuild – 10am 31 Aug 20

Class ZA Schedule 2, Part 20 under the heading: **'demolition of buildings and construction of new dwellinghouses in their place'**

Demolition of a ***single purpose-built detached block of flats*** and ***any other single detached building in B1 use*** existing on **12 March 2020**

Replacement with a single building – either a **purpose-built detached block of flats or a purpose-built detached dwellinghouse & associated operations.**



Class MA

Conversion of Class E - Commercial,

Business & Service to Class C3 dwellinghouses

Change of use of a building and any land within its curtilage from a Class E use to a use falling within Class C3 (dwellinghouses)

Must have fallen within Class E for two years continuously **BUT does have to have been vacant for 3 months before application submission. No maximum floorspace - was 1,500m²**. Not on **Listed Building or curtilage** and other special protection areas.

Matters to be considered by council - transport impacts, contamination; flooding risks; noise from commercial premises on intended occupiers; impact of change of the ground floor on the character & sustainability of conservation area; provision of adequate natural light in all habitable rooms; on occupiers of a residential use in an area of importance for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and where development involves the loss of services provided by— (i) a registered nursery, or (ii) a health centre maintained by NHS the impact on the local provision of the type of services lost; and where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Class G

Conversion of Class E -Commercial, Business and Service
or betting office or pay day loan shop to a mixed use – up to 2 flats above

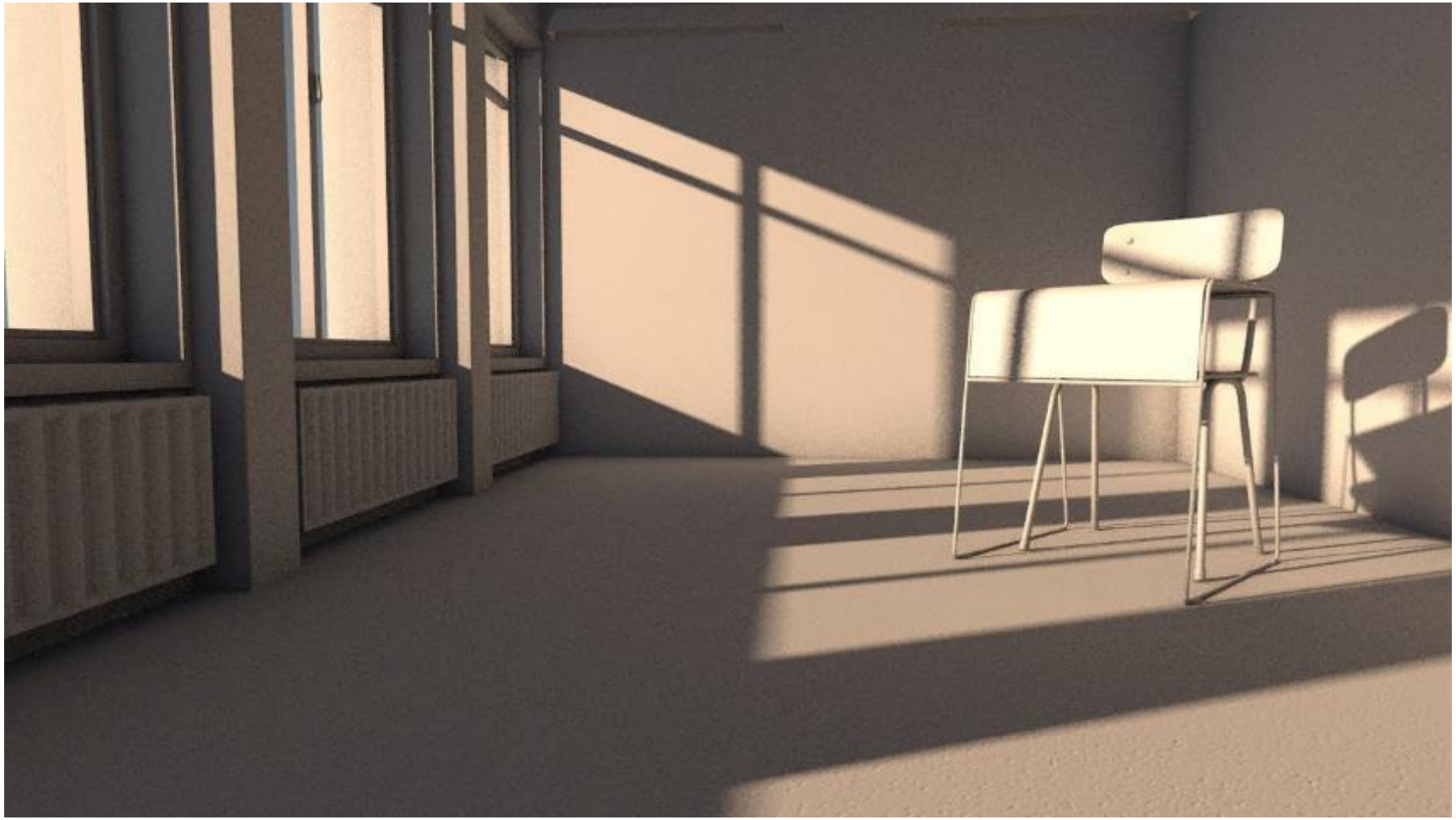


Was fully PD - as of 1 August 2021 requires a Prior Approval application to the council

Ground floor not to be used in whole or in part as a flat. A flat is to be used as a dwelling for a single person or family or by not more than 6 residents living together as a single household.

Matters to be considered by council - contamination risks; flooding risks; impacts of noise from commercial premises on intended occupiers; and arrangements required for the storage and management of domestic waste.

Adequate Levels of Natural Daylight – 1 August 2020





$39m^2$ is the new minimum space standard required from 6 April 2021 for a single person, living in a one bed flat with a bathroom

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From 6 April 2021 – Space Standards

All development under 'Permitted Development' Rights must comply with the **Nationally Described Space Standards**

Table 1 - Minimum gross internal floor areas and storage (m^2)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

Listed Buildings

All work requires **Listed Building Consent** even if planning permission
is not required

Carrying out unauthorised works
(internal and external) to a Listed Building is a **criminal offence and individuals can be prosecuted**

A planning authority can insist that all work carried out without consent is **reversed**

An owner may have trouble selling a property which has not been granted Listed Building Consent for work undertaken

See Historic England website





Certificate of Lawfulness

Certificate of Lawful Existing Use or Development (CLEUD)



The time limits are:

- four years for building, engineering, mining or other operations in, on, over or under land, without planning permission. This development becomes immune from enforcement action four years after the operations are substantially completed
- four years for the change of use of a building, or part of a building, to use as a single dwelling house. Enforcement action can no longer be taken once the unauthorised use has continued for four years without any enforcement action being taken
- 10 years for all other development. The 10 year period runs from the date the breach of planning control was committed

Once these time limits have passed, the development becomes lawful, in terms of planning.

Certificate of Lawfulness





- A legal document not planning permission
- Application must be submitted with supporting documentation
- Burden of proof lies with the applicant

- Reasons and evidence why it should be permitted
- Sufficient factual information for Council to consider the application
- Information must prove the **continued uninterrupted use** of dwelling or land
- Minimum 8 weeks

Certificate of Lawfulness



What is required?

- Location Plan/Block Plan/Drawings
- Completed Application Form
- Letters from Neighbours, Suppliers & Contractors
- Receipts of invoices for goods and services
- Council Tax Bills/Utility Bills
- Property Sales /Letting Details/Advertisements
- Landlord accounts
- Dated Photos
- Affidavits/Notarised Statements owner or tenant

A word of caution: *These examples are meant to give an idea of the documents required but the list is not exhaustive*

New Build Development





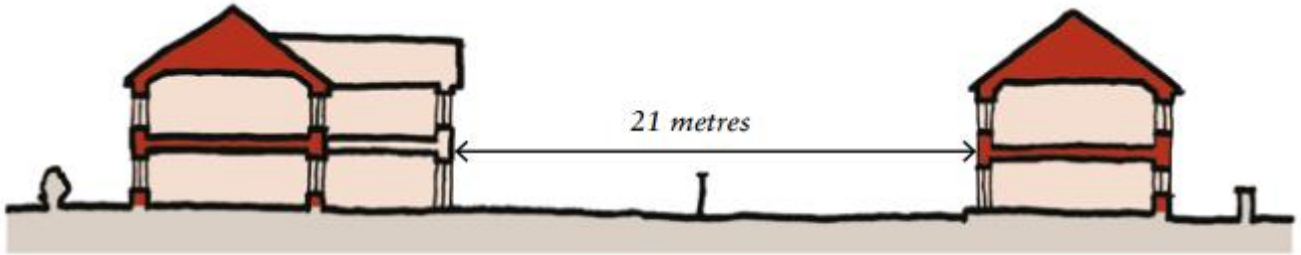
Redevelopment & Building on Side or Rear Gardens

It looks like there’s enough space!

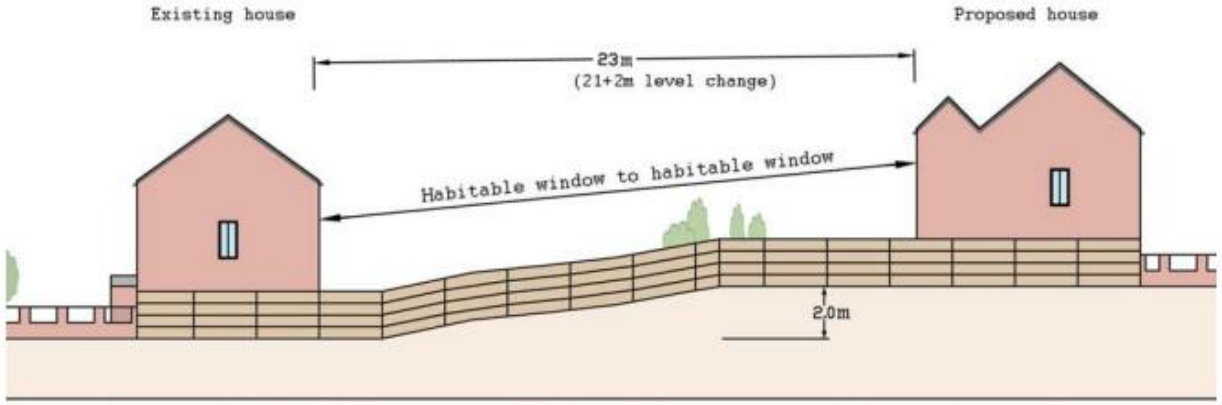




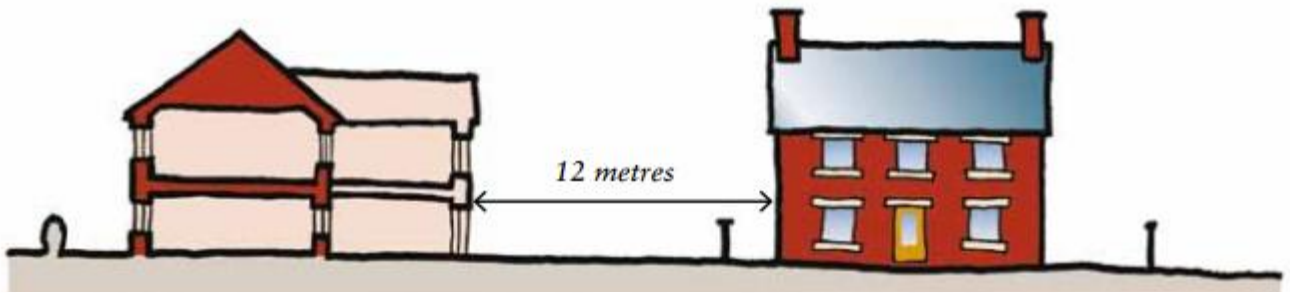
Privacy Distances



Distances between main windows



2 metre height difference = additional 2 metres on minimum privacy distance



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Planning Approval



Decision Notice

- Read it!
- Condition No.1 - expiry?
- Are there any conditions?

Need to discharge conditions – a new application required

Some conditions are ‘precedent’ conditions and need to be discharged before starting work

Contributions – ‘Planning Gain’

Section 106 Agreement

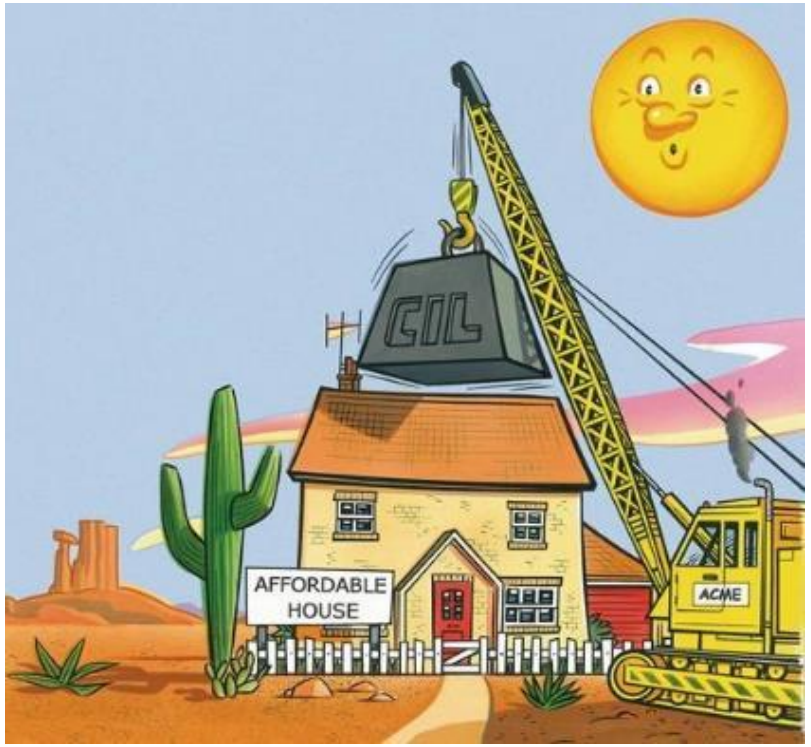
- Affordable Housing – on site or commuted sum – depends on Council & site size
- Education
- Community Facility
- Public Art
- Public Open Space
- Sports/Leisure Facilities
- Highways improvements



Community Infrastructure Levy

Local Council CIL is a tariff that can be charged to pay for provision of infrastructure – not negotiable

London Mayoral CIL - £20, £35 or £50 *per sqm – depending on which 'band'*



Charging CIL is not mandatory

Enforcement Notice



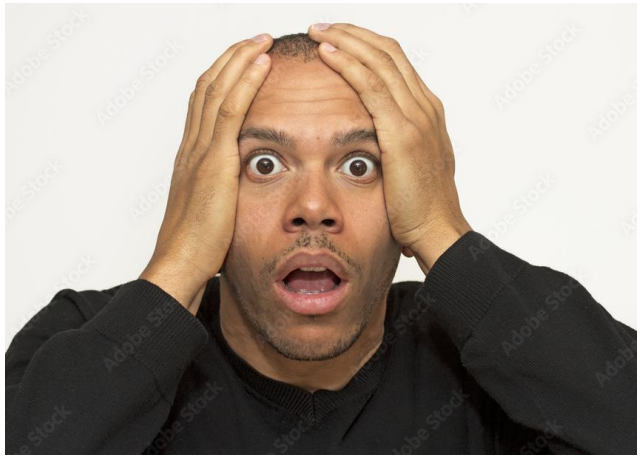
Enforcement Notices are legal documents that require action be taken to remedy a breach of planning control

Issued where development has taken place without the correct planning permission or outside the conditions of a planning permission

Served on owner(s) & any lender - should appear on searches – may also still appear when resolved

28 days to appeal

Refusal?



First:

- Read the decision notice
- What are the reasons for refusal?
- Can they be addressed in a new application?

Only appeal if reasons for refusal cannot be overcome in a new application

No new information & Planning Inspector will be bound by Council policy

Appeals – 3 Types

(To the independent PI)

- **Written Representation**
- **Informal Hearing**
- **Public Inquiry**

Non-determination – *8 weeks*
Householder - *12 weeks*
All other appeals - *6 months*
Enforcement Notice - *28 days*

35% allowed – has recently gone down

Planning Inspectorate

Planning Services and Drawings

KATANA PLANNING

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YouTube

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